REPORT SUMMARY

THIS PROPOSAL HAS BEEN PLACED INTO THE EXPEDITED APPROVAL PROCESS YOUR ATTENDANCE IS NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. PLEASE SIGN and RETURN THE 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY

Date of Consideration: **September 10, 2015**

File Number: **B68/15**

Applicant: **Clarence & Arlene Pronk**

Subject Lands: TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 7, Concession 4

Surplus Farm Dwelling Application

Proposal is a request for consent to convey fee simple for a proposed severance 107m fr x 72m = 0.8 hectares (2 acres) in the TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 7, Concession 4, existing and proposed rural residential use with existing dwelling and shed; retained lands are 79 hectares (195 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Wellington North – in support of application; conditions to address

County Planning - notice cards were posted at time of site visit; application is consistent with Provincial Policy and generally conforms to Official Plan – surplus farm dwelling policies; shed on retained lands that does not meet MDS1 – condition; application is consistent with Provincial Policy and generally conforms to Official Plan – no concerns provided servicing (shared well on retained) can be provided to the satisfaction of the Township;

Conservation Authority (GRCA) – no objections

Others – Jeff Buisman – agent – cover letter attached

PROPOSED CONDITIONS of APPROVAL

1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
2) THAT the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document including the Form 2 Certificate for Consent B68/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
6) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) THAT the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.
8) THAT the Owner receive zoning compliance and classification from the Local Municipality and the County of Wellington Planning Department to prohibit a new residential dwelling on the retained parcel in a manner deemed acceptable; and that the Local Municipality and the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the Owner receive zoning compliance and classification from the Township of Wellington North in a manner deemed acceptable by the Township of Wellington North to recognize the oversized accessory structure on severed; and to address the interior side yard setback from the shed to the newly created property line on the retained; and that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

10) THAT the post and wire fence around the barn yard be removed and that a change of use permit be obtained and work completed to change the existing barn into an agricultural shed to the satisfaction of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
11) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
12) THAT the Owner execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality together with payment of any relative fees for each parcel being severed; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition

****Conditions may be deleted, added to, or changed at meeting*****

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

August 27, 2015

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B68/15

APPLICANT

Clarence & Arlene Pronk
7818 Wellington Rd 12
Arthur ON N0G 1A0

LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (West Luther)
Part Lot 7
Concession 4

Surplus Farm Dwelling Application

Proposed severance is 107m fr x 72m = 0.8 hectares, existing and proposed rural residential use with existing dwelling and shed.

Retained parcel is 79 hectares with 619m frontage, existing and proposed agricultural and bush with existing shed.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, September 10, 2015**

for the purpose of considering this **EXPEDITED APPLICATION.**

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR IS NOT REQUIRED TO ATTEND**. MAKE SURE THAT THE AGREEMENT LETTER IS SIGNED AND RETURNED TO THE PLANNING AND LAND DIVISION COMMITTEE OFFICE.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office, 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

TO: **Agent – Jeff Buisman**

RECEIVED
AUG 12 2015
SECRETARY-TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B68/15

APPLICANT

Clarence & Arlene Pronk
7818 Wellington Rd 12
Arthur ON N0G 1A0

LOCATION OF SUBJECT LANDS

WELLINGTON NORTH (West Luther)
Part Lot 7
Concession 4

Surplus Farm Dwelling Application

Proposed severance is 107m fr x 72m = 0.8 hectares, existing and proposed rural residential use with existing dwelling and shed.

Retained parcel is 79 hectares with 619m frontage, existing and proposed agricultural and bush with existing shed.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:23-49-000-014-11700-0000

Does this description reasonably describe the parcel holdings? YES(X) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES( ) NO( )

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES [ ] NO [X]

(Please Specify) 6.1.4.(b) of Zoning By-law 66-01_____

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [ ] NO [X]

(Please Specify) 8.2.4.(d) of Zoning By-law 66-01_____

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES(X) NO( ) N/A( ) or **Minor Variance** YES( ) NO( ) N/A( )

Is proposal on an opened maintained year-round public road YES( ) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

Please specify _____

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(X)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(X)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(X)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(X)

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(X)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B68/15

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [X] NO [ ]

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

Is the Municipality in support of this application? **YES**(X) **NO**( )

What Conditions, if any, are requested by the Municipality if the Consent is granted?

1. THAT the severed parcel receive zoning compliance to recognize the oversized accessory structure.

2. THAT the retained parcel receive zoning compliance to address the interior side yard setback from the shed to the newly created property line.

3. THAT the post and wire fence around the barn yard be removed to the satisfaction of Wellington North and that a change of use permit be obtained and work completed to change the existing barn in to an agricultural shed.

4. THAT the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning Committee as written proof of fulfillment of this condition.

5. THAT the property owners execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality together with payment of any relative fees for each parcel being severed.

6. THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

7. THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

Does the Municipality request a Notice of the Decision? YES(x) NO( )

SIGNATURE Karen Wallace

TITLE: Clerk

ADDRESS: Box 125, 7490 Sideroad 7 W, Kenilworth ON N0G 2E0

DATE: August 12, 2015

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

RECEIVED
JUL 28 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B68/15 & B69/15
Location	Part Lot 7, Concession 4 TOWNSHIP OF WELLINGTON NORTH (West Luther)
Applicant/Owner	Clarence & Arlene Pronk

PLANNING OPINION: Application B68/15 would sever a 0.8 ha (2 ac) rural residential lot with a dwelling and shed in the Prime Agricultural area. A 79 ha (195 ac) agricultural parcel would be retained with an existing shed. This application has been submitted under the surplus farm dwelling policies.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns provided that servicing can be provided to the satisfaction of the Township (including a shared well) and that the following matters can be addressed as conditions of approval:

a) That MDS1 compliance is achieved to the satisfaction of the County of Wellington;
b) That the retained parcel is rezoned to prohibit residential use and that deficiencies related to accessory buildings on the severed and retained lands are addressed to the satisfaction of the Township of Wellington North and County Planning and Development Department;
c) That safe driveway access can be provided to the satisfaction of the Township;

Application B69/15 would create a hydro easement in favour of the severed lands. We have no concerns with the creation of such an easement.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.2(c). According to this policy, lot creation in prime agricultural areas may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that there is a restriction against new residential dwellings on any vacant farmland parcel created by severance. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation.

Minimum Distance Separation 1 (MDS1) is not applicable to surrounding livestock facilities as MDS1 is not applied to a proposed lot with an existing dwelling when that dwelling is already located on a parcel of land separate from the subject livestock facility (Guideline 8). With respect to those facilities on the subject property, there is a shed on the retained lands that does not meet MDS1.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated Prime Agricultural and Core Greenlands. The Core Greenlands designation appears to be well removed from the severed lot.

According to Section 10.3.4, a severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

"a) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
b) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
c) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
d) the surplus residence is habitable and is not expected to be demolished by a future owner; and
e) the Minimum Distance Separation formula will be met; and
f) the vacant parcel of farmland is rezoned to prohibit a residential use.

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum."

With respect to the above criteria, we are satisfied that this application conforms to criteria a), b), c), d) and e). Item f) rezoning can be addressed as a condition of approval. In terms of the overall farm operation, we have been provided with a Farm Information Form including a list of other farm holdings of the intended purchaser Triaro Farms Inc. which demonstrate that this application would constitute a farm consolidation.

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage disposal.....to accepted municipal standards" and d) "that all lots will have safe driveway access to an all-season maintained public road...". There is an existing shared well on the retained lands. This well has been proposed to continue to serve both parcels via a shared well agreement. The Township should be satisfied that this is an appropriate long-term arrangement.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A) and Natural Environment (NE). Both lots would meet the applicable lot area and frontage requirements.

The severed lands would need zoning relief for the size of the shed. The existing shed is 366 sq. m (3,940 sq. ft.), whereas 102.2 sq. m (1,100 sq. ft.) would normally be allowed for a lot of this size.

The retained lands would need to be rezoned to prohibit future residential use, to address the deficient setback for the shed and to prohibit animal housing within the shed.

SITE VISIT INFORMATION: The subject property was visited and photographed on July 22, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
July 28, 2015

RECEIVED
AUG 18 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT: County of Wellington Planning & Land Division Committee
Deborah Turchet, Secretary-Treasurer

DATE: August 17, 2015 **YOUR FILE:** B68/15 & B69/15
GRCA FILE: B68-15 and B69-15 Sideroad 7 (Pronk)

RE: **Applications for Consent B68/15 & B69/15**
Part Lot 7, Concession 4, Township of Wellington North (West Luther)
8737 Sideroad 7
Clarence & Arlene Pronk

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the proposed severance and hydro easement.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the retained parcel contains a watercourse, floodplain, wetlands and the allowances adjacent to these features.

   The lands to be severed do not contain any features of interest to the GRCA.

2. **Legislative/Policy Requirements and Implications:**

   Due to the presence of the above-noted features, portions of the lands to be retained are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   We wish to acknowledge receipt of the applicant's cheque in the amount of $380.00 for the review of these applications.

Should you have any questions or require additional information, please contact me at 519-621-2763 ext. 2236.

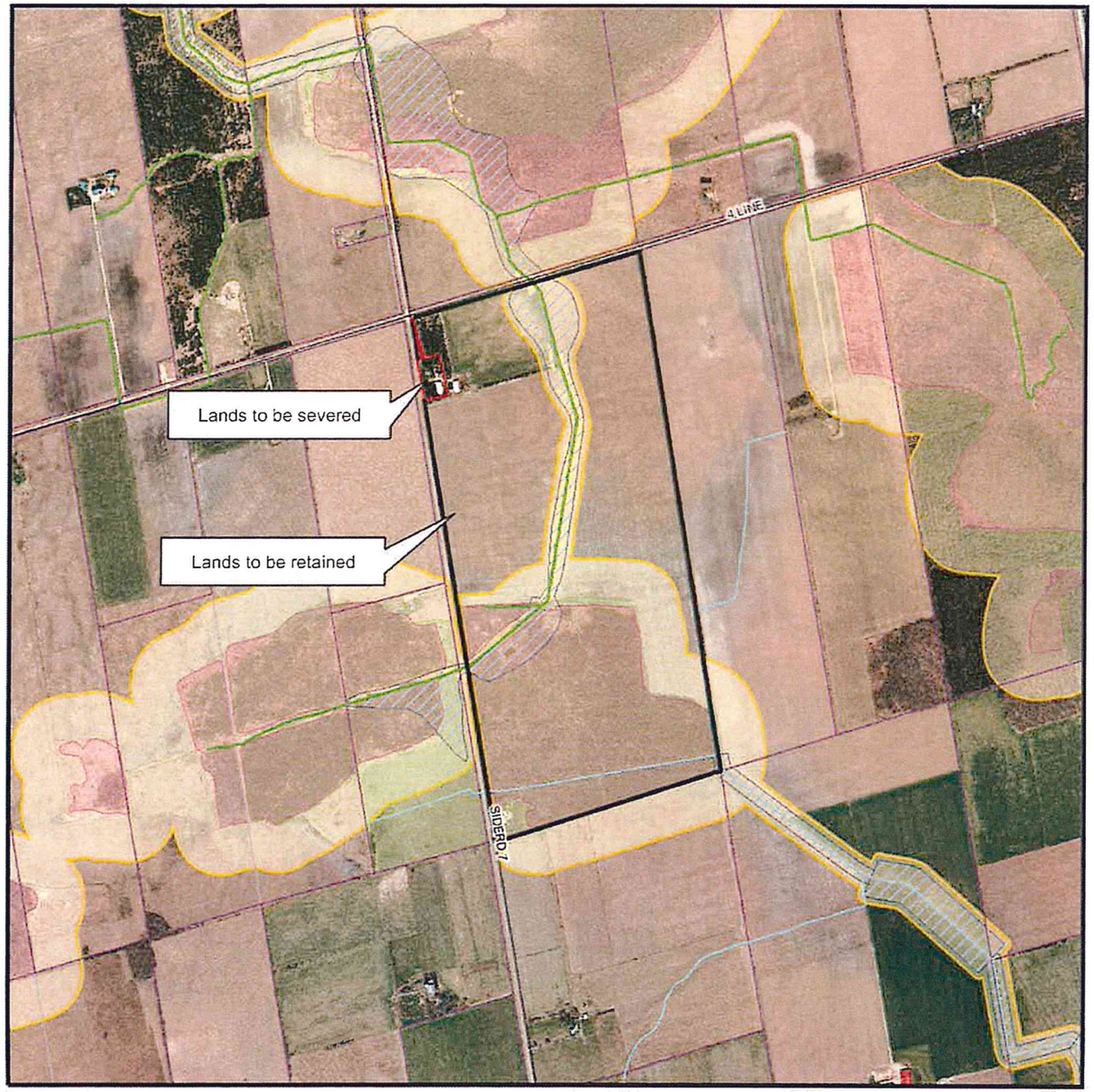
Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

Yours truly,

Andrew Herreman
Resource Planner
Grand River Conservation Authority

* ***These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc: Township of Wellington North
Clarence & Arlene Pronk – 7818 Wellington Road 12, Arthur, ON N0G 1A0
Van Harten Surveying Inc. c/o Jeff Buisman – 423 Woolwich Street, Guelph, ON N1H 3X3



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority

Map created: August 17, 2015
Prepared by: ah

B68/15 & B69/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- MUNICIPAL BOUNDARY (GRCA)
- CLASSIFIED STREAMS - NEW (NRVIS)
  - COLD WATER
  - COOL WATER
  - UNKNOWN
  - WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- WETLAND (NRVIS)
  - PROVINCIALLY SIGNIFICANT
  - LOCALLY SIGNIFICANT
  - UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

http://grims.grandriver.ca/docs/SourcesCitations1.htm

0 170 340 510 680 m.

NAD 1983, UTM Zone 17 Scale 1:14,546 N

B68/15 & B69/15

Van Harten
SURVEYING & ENGINEERING

July 6, 2015
Jeff.Buisman@vanharten.com
22977-15

County of Wellington Land Division Committee
74 Woolwich Street
GUELPH, Ontario
N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet:

Re: **Surplus Residence Severance Sketch and Application for Pronk**
8737 Sideroad 7
Part of Lot 7, Concession 4
PIN 71119-0003
Geographic Township of West Luther
Township of Wellington North

Please find enclosed applications for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, two completed application forms, required deeds, addresses of neighbouring properties, Farm Information Form, two cheques to Wellington County for $ 1,000 and a cheque to the GRCA for $380.

Proposal

The proposal is to sever a surplus farm dwelling from the rest of the agricultural operation. This type of severance follows Section 10.3.4 of the Wellington County Official Plan which has a couple key requirements for a "Surplus Residence Severance."

First, there must be a bona fide farmer for the farm land. For this severance, the owner intends to add the agricultural lands to their existing farming operation as shown on the Farm Information Form.

Second, the retained agricultural lands are to be rezoned to prohibit a residential use. We intend to make an application for zone change on the retained lands with three requests:

- To not allow a residence use
- To not allow animals to be permitted in the shed
- To allow an interior side yard for the accessory shed on the lands to be retained of 8.0m instead of 18.3m as required by Section 8.2.4(d) in the zoning bylaw. This is to maintain the yard of the current dwelling and to allow vehicle access to the bay door on the East side of the shed on the Lands to be Severed.

Third, the severed parcel with the existing dwelling is to be no larger than the area of residence and not disrupt the farming operation. The proposed parcel is configured around the existing dwelling and shed and is 107±m wide, 72±m deep and has an area of 0.8±ha.

The retained lands will have an area of 79± ha where the existing shed will remain for agricultural purposes. We are also proposing a 6m wide easement in favour of the Severed Lands following the hydro line (650±m^2).

The owner intends to establish a shared well agreement with the dwelling on the severed parcel. The existing well in the shed on the retained parcel currently serves both the shed and the dwelling.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

JEB:lb

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor